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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LAWRENCE J. RONK and BRUCE E. FINCHBAUGH

Appeal 2007-3056
Application 09/896,503
Technology Center 2600

Decided: February 28, 2008

Before KENNETH W. HAIRSTON, JOHN A. JEFFERY, and CARLA M. KRIVAK, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection of claims 1-4. We have jurisdiction under 35 U.S.C. § 6(b) (2002). We affirm.

STATEMENT OF CASE

Appellants' claimed invention is a method of video object feature data generation (Spec. 1:6 & 7).

Independent claim 1, reproduced below, is representative of the subject matter on appeal.

1. A method of video object feature data generation, comprising:

(a) extracting a first set of features from a moving object detected in a sequence of images;

(b) extracting a sequence of grid blocks corresponding to motion of said object in said sequence of images; and

(c) storing said first set of features and said sequence of grid blocks.

REFERENCES

Tsuchikawa US 5,748,775 May 5, 1998

The Examiner rejected claims 1-4 under 35 U.S.C. § 102(b) based upon the teachings of Tsuchikawa.

Appellants contend that Tsuchikawa does not store a feature set plus a motion path for a detected object as does claim 1 (Br. 4¹).²

ISSUE

¹ We refer to the most recent Brief filed September 29, 2006, throughout this opinion.

² Appellants only argument is with respect to independent claim 1. Thus, dependent claims 2-4 will stand or fall with claim 1.

Whether the Examiner erred in rejecting claims 1-4 under 35 U.S.C. § 102(b) in light of Tsuchikawa.

PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992). Anticipation of a patent claim requires a finding that the claim at issue “reads on” a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed. Cir. 1999)

ANALYSIS

The Examiner cited Tsuchikawa as teaching all the features of Appellants’ invention. Particularly, the Examiner contends that Tsuchikawa discloses a method of video object feature data generation (at least Figures 3-4, 6-7) and teaches “extracting a ...set of features from a moving object detected in a sequence of images” (cl. 1, step (a)) in column 5, lines 5-10, which enters an image sequence of the input images. Tsuchikawa also teaches “extracting a sequence of grid blocks corresponding to motion of said object in the sequence of images” (cl. 1, step (b)) in column 5, lines 13-17, which provides a moving extraction means (500) for obtaining a moving object output (520) representing the moving object. Finally, Tsuchikawa teaches “storing said first set of features and said sequence of grid blocks”

(cl. 1, step (c)) in column 5, lines 18-26, which provides storage means 100 for storing the image parameter values for each input image and a moving object region 120 that includes a plurality of sub-regions located at coordinate positions within each frame (Ex. Ans. 3³).

Appellants counter that Tsuchikawa extracts (detects) a moving object in a sequence of images by updating the background and then subtracting it from the images to find the object; whereas claim 1 presumes an already-detected moving object in a sequence of images (Br. 3). This feature, however, is not found in claim 1. Appellants further argue that Tsuchikawa does not suggest storing a feature set and a motion path for an object as does claim 1, but rather stores a sequence of images (Br. 3&4). Again, storing a motion path is not found in claim 1. We do not agree with Appellants in light of the above comparison of claim 1 with Tsuchikawa.

As shown above, Tsuchikawa teaches all the elements of claim 1. Thus, since each and every element set forth in independent claim 1 is found in Tsuchikawa either expressly or under the principles of inherency (*see Minn. Mining, supra*), we sustain the Examiner's rejection of claims 1-4 under 35 U.S.C. §102(b).

CONCLUSION

We therefore conclude that the Examiner did not err in rejecting claims 1-4 under 35 U.S.C. § 102(b).

³ We refer to the most recent Examiner's Answer filed on February 26, 2007, throughout this opinion.

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DECISION

The decision of the Examiner rejecting claims 1-4 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

tdl/gw

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P.O. BOX 655474, M/S 3999
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